

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JERI GARRAMONE and JUDY JONES,

Plaintiffs,

vs.

No. CIV 94-0176 JC/DJS

CARMELA ROMO, et al.,

Defendants.

ORDER ON FINDINGS AND CONCLUSIONS

THIS MATTER came before the Court for a bench trial on February 25, 1998, the Honorable John E. Conway, Chief United States District Judge, presiding. The Court has considered the witnesses and exhibits presented at trial, as well as the arguments advanced by both parties. For the reasons set forth on the record in open court at trial, I will adopt the findings of fact and conclusions of law submitted by Plaintiff. I am aware that the Tenth Circuit discourages verbatim adoption of a party's proposed findings and conclusions, see Ramey Constr. Co., Inc. v. Apache Tribe of the Mescalero Reservation, 616 F.2d 464, 466 (10th Cir. 1980); however, this action is so clearly meritorious that further attention by this Court would be ineffectual. The findings and conclusions are supported by the evidence, and I accept them as my own.

Plaintiff may proceed with a Rule 1-060(b)(4), NMRA 1997, motion for relief from judgment in state court based on my finding that Defendants violated her due process right to counsel in the state abuse and neglect proceeding.


Wherefore,

IT IS ORDERED that Plaintiff's Findings of Fact and Conclusions of Law be, and hereby are, adopted by this Court.

IT IS FURTHER ORDERED that Plaintiff submit her application for attorney fees pursuant to Ramos v. Lamm, 713 F.2d 546 (10th Cir. 1983).

Declaratory judgment will be entered in favor of Plaintiff and against Defendants in accordance with this order.

DATED this 26th day of February, 1998.



CHIEF UNITED STATES DISTRICT JUDGE

Counsel for Plaintiffs: Chris Lackmann and Jonathan E. Zorn
Albuquerque, New Mexico

Counsel for Defendants: Paula I. Forney
Paul R. Ritzma
NM Legal Bureau/RMD
Santa Fe, New Mexico